

Notice of Allowability

Application No.

09/194,051

Examiner

Calvin L. Hewitt II

Applicant(s)

SUGIYAMA, AKIRA

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to BPAI decision rendered 3-30-2006.
2. ☒ The allowed claim(s) is/are 1-39.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Status of Claims

1. Claims 1-39 have been examined. Claims 1, 2, 4, 5, 23 and 24 are independent claims, and claims 3, 6-22 and 25-39 are dependent claims.

Reasons for Allowance

2. Claims 1-39 have been allowed.
3. Claims 1-39 were rejected based on obvious-type double patenting over U.S. Patent No. 5,933,625 in view of Ishiguro et al., U.S. Patent No. 5,502,765. The Applicant in the Appeal Brief stated that claims 1-39 stand and fall together (Appeal Brief filed 7-15-2002), therefore, the Examiner and the Board identified claim 1 as the representative claim (Remand dated 3-25-2004; Supplemental Examiner's Answer dated 6-2-04).

Applicant asserted that the prior art failed to disclose "authentication data based on an elapsed time measurement, corresponding to a given point" (Reply Brief, dated 8-2-04). The Examiner respectfully disagreed as Ishiguro et al. specifically recite a master computer that generates an initial time value for a time stamp ('765, column 15, lines 21-28) wherein subsequent time stamps are

computed based on the initial time value and used to authenticate transactions (figures 5 and 10; column 5, lines 15-20; column 7, lines 60-64; column 15, lines 9-25; column/line 19/29-20/29) (Supplemental Examiner's Answer dated 6-2-04). The Board found the Examiner's rejection was improper because the Examiner relied on teachings from the '625 Patent found outside of the claims to teach the disputed authentication data (Decision, pages 5 and 6). However, the Examiner did not rely on the '625 Patent to teach authentication data, only Ishiguro et al.. Therefore, the instant claims have been allowed based on Board's Decision.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
 - "Dallas Semiconductor turns on Internet commerce at the touch of a button; wearable computer chip generates uncrackable codes using public key cryptography", Business Wire, Oct 7, 1996
 - Rekimoto discloses time data for authenticating client-server exchanges
5. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

preferably accompany the issue fee. Such submissions should be clearly labeled
"Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 3600
Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for formal communications intended for entry and
after-final communications),

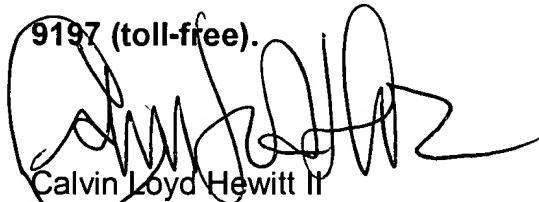
or:

(571) 273-6709 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [<http://pair-direct.uspto.gov/>](http://pair-direct.uspto.gov/). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-**

9197 (toll-free).



Calvin Loyd Hewitt II
Primary Examiner

August 8, 2006